

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

STEVEN B. TRAINER,

Plaintiff

VS.

JOHN PERRY, *et al.*,

Defendants

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NO. 5:04-CV-30(CWH)

ORDER

Plaintiff **STEVEN B. TRAINER** has filed a motion to proceed *in forma pauperis* on appeal from the Court's August 24, 2005, order that granted defendants' summary judgment motion and denied plaintiff's. In the Court's best judgment, an appeal from that order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, having been carefully considered, plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.

If plaintiff wishes to proceed with his appeal, he must pay the entire \$255.00 appellate filing fee. Because plaintiff has stated that he cannot pay the \$255.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), the prison account custodian where plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to plaintiff's account until the \$255.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$255.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

A copy of this order shall be served upon plaintiff's prison account custodian.

SO ORDERED, this 9th day of SEPTEMBER, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is written in a cursive, flowing style.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE